

EXPRESS MAIL LABEL NO. EL302644845US

PATENT
Attorney Docket No. SUR-004DVCN

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sawan et al.
SERIAL NO.: 09/617,566 GROUP NO.: 1616
FILING DATE: July 17, 2000 EXAMINER: Neil S. Levy
TITLE: Contact-Killing Antimicrobial Devices

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is submitted in response to the Office action mailed from the U.S. Patent and Trademark Office on August 20, 2001. Applicants believe that no fee is due for this submission. However, if a fee is due, the Director is authorized to charge the required fee for this submission to Deposit Account No. 20-0531.

Claim restriction

Claims 25-49 are pending. The Office action requires Applicants to restrict prosecution to one of two Groups of claims, each Group being said to recite a distinct invention. Specifically, Group I, drawn to an article, includes claims 25-38; Group II, drawn to a method, includes claims 39-49.

Applicants provisionally elect, with traverse, to prosecute the invention of Group I (claims 25-38) drawn to an article.

Species restriction

The Office action further requires Applicants to restrict prosecution to a single one of the following patentably distinct species of the claimed invention: species of articles, kitchen implements, trash containers, disposable trash bags, cutting boards, hair care items, toothbrushes,

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dental floss, dental implements, contact lenses, contact lens storage cases, baby care items, child care items, bathroom implements, bed liners/towels, surgical gloves, surgical instruments, dental care instruments, dental consoles, instrument trays, catheters, urological devices, blood collection and transferring devices, devices from implanting in a patient, urine collection devices, ophthalmic devices, intraocular lenses, tracheotomy devices, topical disinfectants and wound dressings.

Applicants provisionally elect, with traverse, to prosecute the invention wherein the article is a catheter, with the understanding that Applicants will be entitled to consideration of claims to additional species upon the allowance of a generic claim. Applicants submit that claims 25-36 are readable on the provisionally elected species.

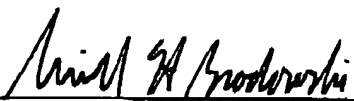
CONCLUSION

If the Examiner believes a conversation with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date: September 18, 2001
Reg. No. 41,640

Tel. No.: (617) 248-7012
Fax No.: (617) 248-7100



Michael H. Brodowski
Attorney for Applicant
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

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Attorney Docket No. SUR-004DVCN**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**SUBMISSION OF DUPLICATE COPY OF
PREVIOUSLY-FILED RESPONSE**

Sir:

On March 5, 2002, Applicants were informed telephonically by Examiner Levy that Applicants' paper of September 18, 2001 (the Response), responding to the Restriction Requirement of August 20, 2001, had not been matched with the application file at the U.S. Patent and Trademark Office. Pursuant to Examiner Levy's instructions, Applicants attach a copy of the Response, including a copy of a return postcard that was transmitted with the Response. In accordance with M.P.E.P. § 503, the return postcard itemized the contents of the Response (including a transmittal form, a response to restriction requirement, and the return receipt postcard). Applicants note that the return postcard was date-stamped by the U.S. Patent and Trademark Office, indicating receipt of the Response, and according it a filing date of September 18, 2001.

Applicants note that the Response was filed using the "Express Mail Post Office to Addressee" service of the United States Post Office in accordance with 37 C.F.R. § 1.10. Applicants attach a copy of the Express Mail mailing label, showing a "date-in" of September 18, 2001; the mailing label is also stamped with the same date. Applicants note that, as indicated on the attached copy of the Response, the Express Mail Label No. appeared on each paper forming part of the Response. Accordingly, because the correspondence was received by the Office, as evidenced by the date-stamped return postcard, and was mailed in accordance

Submission of Duplicate Copy of R se
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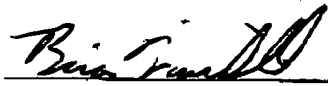
with 37 C.F.R. § 1.10, Applicants request that the Response be entered in the file and accorded its filing date of September 18, 2001, as provided in 37 C.F.R. § 1.10(a).

Applicants do not believe that any petition or fee should be necessary to have the Response entered and accorded its filing date. If, however, a petition is required, please consider this paper to be a conditional petition to enter the Response and accord it its filing date of September 18, 2001, under 37 C.F.R. §1.10(e) or under any other regulation as needed. If a fee is required, the Director is authorized to charge the fee to Deposit Account No. 20-0531.

Respectfully submitted,

Date: March 6, 2002
Reg. No. 48,645

Tel. No.: (617) 248-7697
Fax No.: (617) 248-7100



Brian A. Fairchild
Agent for Applicant
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

2299698

2014713